

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Laura J. Hoogerwerf

Debtor(s)

Case No.: 09 B 21177

Chapter: 13

Judge Manuel Barbosa

NOTICE OF POST PETITION OBLIGATIONS DUE

TO: Glenn B. Stearns, Chapter 13 Trustee, 4343 Commerce Court, Suite 120, Lisle, IL 60532
Laura J. Hoogerwerf, Debtor(s), 1707 Ravine Park Lane, Aurora, IL 60504
John Carlin, Attorney for Debtor(s), 1305 Remmington Road: Suite C, Schaumburg, IL 60173

**PLEASE NOTE THAT THE OBLIGATIONS LISTED IN THIS NOTICE WILL BE
CONTRACTUALLY DUE ONLY IF THE CASE IS NOT DISCHARGED.**

- 1) On October 15, 2009, the court entered an order approving costs of collection in the amount of \$350.00 and providing for trustee to pay these costs as if they were provided for in paragraph E5 of the plan.
- 2) Subsequently, on October 19, 2009, this court entered an order confirming the plan and, in adversary proceeding 09-00809 entered an order providing that the claim of this Creditor would be treated as wholly unsecured and providing that this Creditor's lien will be avoided after completion of Debtor's Chapter 13 plan.
- 3.) On September 14, 2010, the Standing Trustee issued a Notice of Final Mortgage Cure Amount, presumably upon payment of the \$350.00 cost of collection notice in full. That notice stated in part "Pursuant to the plan, all pre-petition obligations of the debtor have been satisfied and the mortgage holder is required to treat the mortgage as reinstated and fully current unless the debtor has failed to make timely payments of post-petition obligations."
- 4.) However, the plan is not a typical "cure and maintain" plan, but a strip off plan. Accordingly, Creditor has NOT been receiving post-petition mortgage payments pursuant to the contract. In the event that the case is dismissed or converted or a discharge is denied, the lien of creditor will survive and the note and mortgage revert to their original terms.
- 5) If the note and mortgage were currently being treated under its original terms, the following post defaults would have accrued and all parties are put on notice that the loan is not "current and reinstated":

You are hereby notified that JPMORGAN CHASE BANK N.A. has made post-petition advances of \$50.00 in relation to the mortgage it services and these amounts have been added to the indebtedness pursuant to the terms of the note and mortgage and will be due and owing if the case is dismissed or converted or a discharge is denied.

You are also hereby notified that as of 9/14/10, the date of the trustee's notice, under the contractual terms of the note and mortgage debtor(s) would be due to JPMORGAN CHASE

BANK N.A. for the contractual payment due 10/01/09 through 09/1/10 post-petition mortgage payments, with the 10/01/10 coming due. The current payment amount due each month under the note and mortgage is \$61.76. As Debtor has failed to maintain post-petition payments and the plan is not intended as a "cure and maintain" plan, the provision of the plan regarding reinstatement does not apply and any outstanding pre-petition amounts and all post-petition amounts will remain due and owing if the case is dismissed or converted or a discharge is denied.

Pursuant to the terms of the confirmed plan, if no challenge to these advances is made by motion filed with the court and served on the undersigned and the trustee within thirty days of this notice or by 11/26/10, JPMORGAN CHASE BANK N.A.'s rights to collect these amounts will remain unaffected if the case is dismissed or converted or a discharge is denied.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice upon the parties listed above, by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527, before the hour of 5:00 PM on October 26, 2010.

/s/ Jose Moreno
Attorney for Creditor

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Gloria C. Tsotsos ARDC# 6274279
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C&A FILE (14-09-21754)

NOTE: This law firm is deemed to be a debt collector.